



FAIR POLITICAL PRACTICES COMMISSION

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September 30, 2011

✓ Mr. Henry T. Perea
Perea for Assembly 2010

REDACTED

Mr. Marshall Kelley
Perea for Assembly 2010

REDACTED

RE: Advisory Letter

**FPPC No. 11-004; Henry T. Perea, Marshall Kelley, Perea for Assembly
2010**

Dear Messrs. Perea and Kelley:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code Section 81000, and following. As you may be aware, the Commission was investigating whether Perea for Assembly 2010 made a contribution to another committee for the purpose of making independent expenditures to support or oppose another candidate, in violation of Section 85501 of the Act.

Our investigation revealed that Perea for Assembly 2010, a candidate controlled committee, made a \$500 contribution to San Diegans for Healthy Neighborhoods and a Strong Economy to Support Felipe Hueso for City Council - 2010 Sponsored by San Diego-Imperial Counties Labor Council AFL-CIO ("San Diegans"), a primarily formed committee in support of Felipe Hueso for San Diego City Council. Our investigation also revealed that

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

San Diegans returned the entire contribution to Perea for Assembly 2010 before the November 2, 2010, election. After investigation, we have determined that there is insufficient evidence to find Henry T. Perea, Perea for Assembly 2010, or Marshall Kelley violated the Act. As a result, we are closing this case with this Advisory Letter.

You should be aware that the Act prohibits a controlled committee of a candidate from contributing funds to other committees for the purpose of making independent expenditures to support or oppose other candidates. (See Section 85501.)

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding obligations over the telephone and through written advice. If you need forms or manuals, or have questions regarding any of your obligations, please call the Technical Assistance Division at 916-322-5660, Monday through Friday between 8:00 a.m. and 5:00 p.m.

Your cooperation in ensuring that the requirements of the Act are consistently satisfied is greatly appreciated. If you have any questions regarding this matter, please feel free to contact me at 916-327-6357.

Sincerely,

REDACTED

Milad Dalju
Commission Counsel
Enforcement Division